



General Assembly

Substitute Bill No. 1432

January Session, 2007

* SB01432FIN 053007 *

**AN ACT CONCERNING GLOBAL WARMING AND BROWNFIELDS
REMEDiation AND DEVELOPMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4a-67d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The fleet average for cars or light duty trucks purchased by the
4 state shall: (1) On and after October 1, 2001, have a United States
5 Environmental Protection Agency estimated highway gasoline mileage
6 rating of at least thirty-five miles per gallon and on and after January 1,
7 2003, have a United States Environmental Protection Agency estimated
8 highway gasoline mileage rating of at least forty miles per gallon, (2)
9 comply with the requirements set forth in 10 CFR 490 concerning the
10 percentage of alternative-fueled vehicles required in the state motor
11 vehicle fleet, and (3) obtain the best achievable mileage per pound of
12 carbon dioxide emitted in its class. The alternative-fueled vehicles
13 purchased by the state to comply with said requirements shall be
14 capable of operating on natural gas or electricity or any other system
15 acceptable to the United States Department of Energy that operates on
16 fuel that is available in the state.

17 (b) Notwithstanding any other provisions of this section, (1) on and
18 after January 1, 2008, any car or light duty truck purchased by the state
19 shall have an efficiency rating that is in the top third of all vehicles in

20 such purchased vehicle's class and fifty per cent of such cars and light
21 duty trucks shall be an alternative fueled, hybrid electric or plug-in
22 electric vehicle, and (2) on and after January 1, 2010, any car or light
23 duty truck purchased by the state shall have an efficiency rating that is
24 in the top third of all vehicles in such purchased vehicle's class and be
25 an alternative fueled, hybrid electric or plug-in electric vehicle.

26 [(b)] (c) The provisions of [subsection (a)] subsections (a) and (b) of
27 this section shall not apply to cars or light duty trucks purchased for
28 law enforcement or other special use purposes as designated by the
29 Department of Administrative Services.

30 [(c)] (d) As used in this section, the terms "car" and "light duty
31 truck" shall be as defined in the United States Department of Energy
32 Publication DOE/CE -0019/8, or any successor publication.

33 Sec. 2. Section 16a-32a of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective from passage*):

35 The Office of Policy and Management shall amend the state plan of
36 conservation and development adopted pursuant to this chapter to
37 include therein a goal for reducing carbon dioxide emissions within
38 this state in accordance with the state's agreement with the Climate
39 Change Action Plan adopted by the Conference of New England
40 Governors and Canadian Premiers. [Said office, in consultation with
41 the Department of Environmental Protection, shall submit a report to
42 the General Assembly on or before the thirtieth day following May 22,
43 1995, on or before May 1, 1996, and annually thereafter, which details
44 the net amount of carbon dioxide emitted annually within this state.
45 Subsequent to the May 1, 2000, submittal, said report shall be
46 submitted every three years with the first such report due May 1,
47 2003.]

48 Sec. 3. (*Effective from passage*) On or before February 1, 2008, the
49 Connecticut Academy of Science and Engineering, in consultation with
50 the state Department of Environmental Protection, shall submit a
51 written report regarding the expected effects of climate change on

52 Connecticut and including recommendations on what the state should
53 do to prepare for such effects to the joint standing committee of the
54 General Assembly having cognizance of matters relating to the
55 environment in accordance with the provisions of section 11-4a of the
56 general statutes.

57 Sec. 4. (NEW) (*Effective from passage*) The Commissioner of
58 Environmental Protection shall study the potential for integrating
59 motorized fleets into the cap and trade mechanism of the Northeast
60 Regional Greenhouse Gas Initiative, and not later than January 1, 2008,
61 the commissioner shall submit a written recommendation concerning
62 what legislative action would be necessary to include transportation
63 sources of climate change gases into regional cap and trade agreements
64 to the joint standing committee of the General Assembly having
65 cognizance of matters relating to the environment in accordance with
66 the provisions of section 11-4a of the general statutes.

67 Sec. 5. (NEW) (*Effective October 1, 2007*) The Commissioner of
68 Environmental Protection shall study the availability of energy
69 efficient lamps such as compact fluorescent lamps, halogen lamps and
70 high-intensity discharge lamps at competitive prices for consumers
71 and compile a list of inefficient incandescent lamps. Not later than
72 April 1, 2008, the commissioner shall give notice of the preliminary
73 draft of such list. Such notice shall: (1) Be posted on the Department of
74 Environmental Protection's Internet web site, (2) be published in one
75 or more newspapers having a general circulation in the state, and (3)
76 contain when, where and how interested parties may present their
77 views on the preliminary draft. The commissioner may revise such list
78 based upon written or oral comments received in response to the
79 preliminary draft. Not later than sixty-five days after the publication of
80 the notice of the preliminary draft and not less than twenty days before
81 publishing the final list on the department's Internet web site, the
82 commissioner shall reach a decision on the content of the final list.
83 The commissioner shall submit the final list to the joint standing
84 committee of the General Assembly having cognizance of matters
85 relating to the environment along with a statement of the reasons for

86 the final decision and shall mail to all persons who have submitted
87 written comments in response to the preliminary draft a copy of such
88 final list and statement.

89 Sec. 6. (NEW) (*Effective July 1, 2007, and applicable to assessment years*
90 *commencing on or after October 1, 2007*) Any municipality, by vote of its
91 legislative body or, in a municipality where the legislative body is a
92 town meeting, by vote of the board of selectmen, may abate up to one
93 hundred per cent of the property taxes due, for any assessment year
94 commencing on or after July 1, 2007, with respect to any hybrid
95 passenger car, as defined in subdivision (115) of section 12-412,
96 purchased on or after July 1, 2007.

97 Sec. 7. Subsection (e) of section 22a-134a of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective July*
99 *1, 2007*):

100 (e) (1) No later than thirty days after receipt of a Form III or Form
101 IV, the commissioner shall notify the certifying party whether the form
102 is complete or incomplete. Within forty-five days of receipt of a
103 complete Form III or IV, the commissioner shall notify the certifying
104 party in writing whether review and approval of the remediation by
105 the commissioner will be required, or whether a licensed
106 environmental professional may verify that the investigation has been
107 performed in accordance with prevailing standards and guidelines and
108 that the remediation has been performed in accordance with the
109 remediation standards. Any person who submitted a Form III to the
110 commissioner prior to October 1, 1995, may submit an environmental
111 condition assessment form to the commissioner. The commissioner
112 shall, within forty-five days of receipt of such form, notify the
113 certifying party whether approval of the remediation by the
114 commissioner will be required or whether a licensed environmental
115 professional may verify that the remediation has been performed in
116 accordance with the remediation standards.

117 (2) (A) When a licensed environmental professional verifies that the

118 remediation has been performed in accordance with the remediation
119 standards, such verifications shall be deemed approved by the
120 commissioner unless, within twelve months of such verification, the
121 commissioner determines, in the commissioner's sole discretion, that
122 an audit of such verification or remedial action is necessary to assess
123 whether remedial action beyond that indicated in such verification is
124 necessary for the protection of human health or the environment. Such
125 an audit shall be completed within twenty-four months of the
126 submittal of the verification. At the completion of the audit, the
127 commissioner shall approve the verification, disapprove the
128 verification or request additional information from the party
129 submitting the verification.

130 (B) If the commissioner requests additional information pursuant to
131 subparagraph (A) of this subdivision and such information has not
132 been provided to the commissioner within ninety days of the deadline
133 for completing the audit, the commissioner shall extend the period for
134 completing the audit by up to one hundred eighty days. The
135 commissioner shall make any such requests for information in writing.
136 Upon evaluating the additional information, the commissioner shall
137 approve or disapprove the verification.

138 (C) If the commissioner disapproves the verification pursuant to
139 either subparagraph (A) or (B) of this subdivision, the commissioner
140 shall give reasons for such disapproval, in writing, and such certifying
141 party may appeal such disapproval to the Superior Court pursuant to
142 section 4-183. Before approving a final verification, the commissioner
143 may enter into a memorandum of understanding with the certifying
144 party with regard to any further remedial action or monitoring
145 activities on or at such property that the commissioner deems
146 necessary for the protection of human health or the environment.

147 (D) The deadlines for the conduct of an audit pursuant to this
148 subdivision shall not apply to (i) properties for which the department
149 finds that the submitted verification was obtained through the
150 submittal of fraudulent information or that intentional

151 misrepresentations were made to the department in connection with
152 the submittal of the verification, or (ii) those sites that are currently
153 subject to an order of the department.

154 Sec. 8. Subsection (g) of section 22a-133v of the general statutes is
155 repealed and the following is substituted in lieu thereof (*Effective July*
156 *1, 2007*):

157 (g) The board may conduct investigations concerning the conduct of
158 any licensed environmental professional. The commissioner may
159 conduct audits of any actions authorized by law to be performed by a
160 licensed environmental professional. The board shall authorize the
161 commissioner to (1) revoke [or suspend] the license of any
162 environmental professional; [or to] (2) suspend the license of any
163 environmental professional; (3) impose any other sanctions less severe
164 than revocation or suspension that the board deems appropriate; or (4)
165 deny an application for such licensure if the board, after providing
166 such professional with notice and an opportunity to be heard
167 concerning such revocation, suspension, ~~other sanction~~ or denial, finds
168 that such professional has submitted false or misleading information to
169 the board or has engaged in professional misconduct including,
170 without limitation, knowingly or recklessly making a false verification
171 of a remediation under section 22a-134a, or violating any provision of
172 this section or regulations adopted hereunder. The board shall make
173 available to the public a list of any sanctions, license suspensions or
174 license revocations. Any sanction imposed under this subsection shall
175 not include the imposition of any civil fine or civil penalty.

176 Sec. 9. Subsection (d) of section 25-68d of the general statutes is
177 repealed and the following is substituted in lieu thereof (*Effective July*
178 *1, 2007*):

179 (d) Any state agency proposing an activity or critical activity within
180 or affecting the floodplain may apply to the commissioner for
181 exemption from the provisions of subsection (b) of this section. Such
182 application shall include a statement of the reasons why such agency is

183 unable to comply with said subsection and any other information the
184 commissioner deems necessary. The commissioner, [at least thirty days
185 before approving, approving with conditions or denying any such
186 application, shall publish once in a newspaper having a substantial
187 circulation in the affected area notice of: (1) The name of the applicant;
188 (2) the location and nature of the requested exemption; (3) the tentative
189 decision on the application; and (4) additional information the
190 commissioner deems necessary to support the decision to approve,
191 approve with conditions or deny the application. There shall be a
192 comment period following the public notice during which period
193 interested persons and municipalities may submit written comments.
194 After the comment period, the commissioner shall make a final
195 determination to either approve the application, approve the
196 application with conditions or deny the application. The commissioner
197 may hold a public hearing prior to approving, approving with
198 conditions or denying any application if in the discretion of the
199 commissioner the public interest will be best served thereby, and the
200 commissioner shall hold a public hearing upon receipt of a petition
201 signed by at least twenty-five persons. Notice of such hearing shall be
202 published at least thirty days before the hearing in a newspaper
203 having a substantial circulation in the area affected. The commissioner
204 may approve or approve with conditions such exemption if the
205 commissioner determines that (A)] after public notice of the
206 application and an opportunity for a public hearing in accordance with
207 the provisions of chapter 54, may approve such exemption if the
208 commissioner determines that (1) the agency has shown that the
209 activity or critical activity is in the public interest, will not injure
210 persons or damage property in the area of such activity or critical
211 activity, complies with the provisions of the National Flood Insurance
212 Program, and, in the case of a loan or grant, the recipient of the loan or
213 grant has been informed that increased flood insurance premiums may
214 result from the activity or critical activity, or [(B)] (2) in the case of a
215 flood control project, such project meets the criteria of [subparagraph
216 (A) of this subdivision] subdivision (1) of this subsection and is more
217 cost-effective to the state and municipalities than a project constructed

218 to or above the base flood or base flood for a critical activity. Any
219 activity that is a redevelopment subject to environmental remediation
220 regulations adopted pursuant to section 22a-133k located in an area
221 identified as a regional center, neighborhood conservation area,
222 growth area or rural community center in the State Plan of
223 Conservation and Development pursuant to chapter 297 shall be
224 considered to be in the public interest. Following approval for
225 exemption for a flood control project, the commissioner shall provide
226 notice of the hazards of a flood greater than the capacity of the project
227 design to each member of the legislature whose district will be affected
228 by the project and to the following agencies and officials in the area to
229 be protected by the project: The planning and zoning commission, the
230 inland wetlands agency, the director of civil defense, the conservation
231 commission, the fire department, the police department, the chief
232 elected official and each member of the legislative body, and the
233 regional planning agency. Notice shall be given to the general public
234 by publication in a newspaper of general circulation in each
235 municipality in the area in which the project is to be located.

236 Sec. 10. Section 12-63e of the general statutes is repealed and the
237 following is substituted in lieu thereof (*Effective July 1, 2007*):

238 (a) Notwithstanding the provisions of this chapter, when
239 determining the value of any property, except residential property, for
240 purpose of the assessment for property taxes, the assessors of a
241 municipality shall not reduce the value of any property due to any
242 polluted or environmentally hazardous condition existing on such
243 property if such condition was caused by the owner of such property
244 or if a successor in title to such owner acquired such property after any
245 notice of the existence of any such condition was filed on the land
246 records in the town where the property is located. For purposes of this
247 section, an owner shall be deemed to have caused the polluted or
248 environmentally hazardous condition if the Department of
249 Environmental Protection, the United States Environmental Protection
250 Agency or a court of competent jurisdiction has determined that such
251 owner caused such condition or a portion of it.

252 (b) If any owner of such property or if any successor in title to such
253 owner who acquired such property after any notice of the existence of
254 any such condition was filed on the land records in the town where the
255 property is located (1) enters into an agreement with the department to
256 voluntarily remediate such property, (2) files such agreement on the
257 land records of the town where such property is located, and (3) has
258 developed an approved remedial action plan for the property, the
259 provisions of subsection (a) of this section shall not apply. In such
260 instances, the assessors of a municipality may reduce the value of any
261 property due to any polluted of environmentally hazardous condition
262 existing on such property. The assessors of a municipality may also
263 raise the value of any property after remediation is completed to take
264 into account the removal of such pollution or environmentally
265 hazardous condition.

266 Sec. 11. (NEW) (*Effective July 1, 2007*) (a) For purposes of this section,
267 (1) "eligible property owner" means a person who is an existing
268 property owner who is in good general standing with the Department
269 of Environmental Protection, demonstrates an inability to pay, and
270 cannot retain or expand jobs due to the expense associated with the
271 investigation and remediation of contamination of a property; (2)
272 "eligible developer" means a person who did not cause or contribute to
273 the discharge, spillage, uncontrolled loss, seepage or filtration of such
274 hazardous substance, material or waste and who is not a member,
275 officer, manager, director, shareholder, subsidiary, successor of,
276 related to, or affiliated with, directly or indirectly, the person who is
277 otherwise liable under section 22a-432, 22a-433, 22a-451 or 22a-452 of
278 the general statutes; (3) "brownfield remediation agreement" means an
279 agreement entered into by and between the Commissioner of
280 Environmental Protection and an eligible property owner or developer
281 for the investigation and remediation of a brownfield site; (4)
282 "brownfield site" means any abandoned or underutilized site where
283 redevelopment and reuse has not occurred due to the presence or
284 pollution on the soil or groundwater that requires remediation prior to
285 or in conjunction with the restoration, redevelopment and reuse of the

286 property; (5) "Commissioner" means the Commissioner of
287 Environmental Protection; and (6) "person" shall have the same
288 meaning as in section 22-2 of the general statutes.

289 (b) On or before January 1, 2008, the commissioner shall prepare a
290 brownfield remediation agreement that shall be available to any
291 eligible developer who voluntarily elects to investigate and remediate
292 a property for purposes of development, redevelopment or reuse. The
293 brownfield remediation agreement shall (1) set forth deadlines for
294 completion of the site investigation, remedial activities and the
295 submittal of a verification by a licensed environmental professional or
296 approval by the commissioner of the completion of the remedial
297 activities; (2) provide for a covenant not to sue under subsection (b) of
298 section 22a-133aa of the general statutes without fee; (3) exempt the
299 eligible developer from remediation of contamination that has
300 migrated off-site as of the date the eligible developer acquired its
301 ownership interest in the property; (4) exempt the eligible developer
302 from natural resources damage claims that may arise under state or
303 common law; and (5) protect the eligible developer from remediation
304 orders provided the eligible developer is following the remedial action
305 plan and has not provided intentional, fraudulent or negligent
306 misrepresentations to the commissioner.

307 (c) At the request of the eligible developer, the commissioner shall
308 execute the agreement with the eligible developer prior to the eligible
309 developer initiating any investigation or remediation activities on the
310 brownfield property. The brownfield remediation agreement shall be
311 assignable to any subsequent eligible developer, provided that the
312 subsequent eligible developer agrees in writing to its terms. In such
313 event, the prior eligible developer is released from its investigation and
314 remedial obligations under the brownfield remediation agreement but
315 remains subject to the protections provided in subsection (b) of this
316 section. Once a brownfield site is subject to a brownfield remediation
317 agreement, the provisions of section 22a-134 to 22a-134ee, inclusive, of
318 the general statutes do not apply, unless the eligible developer creates
319 an establishment on the brownfield site and a new release has

320 occurred.

321 (d) On or before January 1, 2008, the commissioner shall prepare a
 322 brownfield remediation agreement that shall be available to any
 323 eligible owner who voluntarily elects to investigate and remediate a
 324 property for purposes of development, redevelopment or reuse. The
 325 brownfield remediation agreement shall (1) set forth deadlines for
 326 completion of the site investigation, remedial activities, and the
 327 submittal of a verification by a licensed environmental professional or
 328 approval by the commissioner of the completion of the remedial
 329 activities; (2) provide for a covenant not to sue under subsection (b) of
 330 section 22a-133aa of the general statutes without fee; and (3) protect
 331 the eligible owner from remediation orders provided said eligible
 332 owner is following the remedial action plan and has not provided
 333 intentional, fraudulent or negligent misrepresentations to the
 334 commissioner. To qualify for the brownfield remediation agreement
 335 pursuant to this subsection, the eligible owner shall demonstrate a
 336 limited ability to pay the necessary costs of remediation and agree to
 337 remain in Connecticut for no less than ten years.

338 Sec. 12. (NEW) (*Effective July 1, 2007*) On or before June 1, 2009, the
 339 Commissioner of Environmental Protection shall adopt regulations, in
 340 accordance with the provisions of chapter 54 of the general statutes,
 341 identifying locations that were subject to urban fill and areas in the
 342 state where filling historically occurred. Such regulations shall also set
 343 forth remediation standards consistent with the urban or filling history
 344 of the property and adjacent properties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4a-67d
Sec. 2	<i>from passage</i>	16a-32a
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section

Sec. 6	<i>July 1, 2007, and applicable to assessment years commencing on or after October 1, 2007</i>	New section
Sec. 7	<i>July 1, 2007</i>	22a-134a(e)
Sec. 8	<i>July 1, 2007</i>	22a-133v(g)
Sec. 9	<i>July 1, 2007</i>	25-68d(d)
Sec. 10	<i>July 1, 2007</i>	12-63e
Sec. 11	<i>July 1, 2007</i>	New section
Sec. 12	<i>July 1, 2007</i>	New section

FIN *Joint Favorable Subst.*